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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------------------------------------------------|-------------|----------------------|------------------------------|------------------|
| 09/804,907 | 03/13/2001 | Yoshiaki Segawa | 1924.65310 | 2790 |
| 24978 | 7590 | 07/01/2004 | | |
| GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606 | | | EXAMINER COLLINS, SCOTT M | |
| | | | ART UNIT 2143 | PAPER NUMBER |

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,907

Applicant(s)

SEGAWA ET AL.

Examiner

Scott M. Collins

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-5 examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Takase et al., U.S. Patent Number 5,042,027 (herein referred to as Takase).
4. It should be noted that in all the claims, the examiner has understood the “reply unit” to be a generic server and the “external device” to be a generic client.
5. Referring to claims 1, 4, and 5, Takase has taught a data communication device (or method comprising steps accomplished by the following or computer readable medium for storing instructions, which when executed on a computer, causes the computer to act as follows) establishing data communication with an external communication device (Takase figure 1), comprising:
 - a. a reply unit for, if a request is issued from said external device, transmitting reply information corresponding to the request, and storing the reply information in a memory (Takase figure 1; column 2, lines 30-40; and column 5, lines 7-13 where each node represents a client or a server.);
 - b. a connection monitoring unit which monitors connection with said external device (Takase figure 1, elements 14, 18, and 19); and

Art Unit: 2143

c. transmission unit which transmits the reply information corresponding to the connection with said external device and stored in said memory to said external communication device if the connection with said external device is abnormally cut off based on the result of monitoring by said connection monitoring unit (Takase figure 1B, node interface 1610; figure 8B, line terminator 331a; and column 10, lines 8-25 where the reply information is understood to simply be a response to a request.).

6. Referring to claim 3, Takase has taught the device wherein identification information for identifying the request from said external device is included in the reply information transmitted by said reply unit (Takase figures 3A, 3B, and 3C where all requests inherently contain information regarding the requestor or at least the beneficiary of the request.).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takase in view of Smith, U.S. Patent Number 5,835,724 (herein referred to as Smith).

9. Referring to claim 2, Takase has not expressly disclosed the device further comprising a reply information destruction unit which destroys the reply information stored in said memory if the connection with said external device is normally released based on the result of monitoring by said connection monitoring unit. Takase has taught terminating a connection and having had multiple items of information regarding the connection stored in a database (Takase figure 9;

Art Unit: 2143

column 11, lines 7-40). Smith has taught destroying all information related to a session when the session is terminated (Smith column 8, lines 48-63). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to destroy the information regarding a connection when the connection is terminated. One of ordinary skill in the art would have been motivated to do this in order to minimize the amount of information stored in the database and to prevent having to cleanse irrelevant information regarding terminated links from the database at a later time.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Davis et al. U.S. Patent Number 5,796,952

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Collins whose telephone number is 703.305.7865. The examiner can normally be reached on Mon.-Thurs. 7:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703.308.5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smc
June 24, 2004

William C. Vap
Patent Examiner
Art Unit 2143
24 June 04